



AGENDA

REGULAR MEETING OF THE BANNING PLANNING COMMISSION

CITY OF BANNING, CALIFORNIA

Wednesday, July 12, 2023 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
And via Video/Teleconference

To observe and participate in the on-line video portion of the meeting through your personal computer or device enter the following or click on the link:

<https://us02web.zoom.us/j/89561454841?pwd=QmhOcDYzb0t0NDYvejZhNUo0R01LZz09>

Meeting ID: 895 6145 4841

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You may also **email comments** to: scalderson@banningca.gov

I. CALL TO ORDER OF A REGULAR MEETING: Chair Krick

- Pledge of Allegiance: Vice-Chair Lopez
- Roll Call: Commissioners Kinzie Hawver, Krick, Lopez, Miller, Wilcox

II. PUBLIC COMMENTS: - *On Items Not on the Agenda*

A three-minute limitation shall apply to each member of the public who wishes to address the Chairman and Commissioners for items not on the agenda. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. (Items received under this heading may be referred to staff or future study, research, completion and/or future Commissioner Action.) PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

III. CONSENT CALENDAR ITEMS:

Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

1. Minutes – May 30, 2023, Special Meeting.....Page 1
2. Minutes – June 7, 2023, Regular Meeting..... Page 2

IV. CONSIDERATION OF GENERAL PLAN CONSISTENCY:

1. FINDINGS OF GENERAL PLAN CONFORMITY FOR THE SUNRISE AVENUE RESERVOIR, OWNED AND OPERATED BY THE CITY OF BANNING, LOCATED AT 725 SUNRISE AVENUE, SOUTHWEST CORNER OF WILSON STREET AND SUNRISE AVENUE (APN: 538-040-006).

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Recommendation:

That the Planning Commission adopt Resolution 2023-15:

Finding that the proposed above-ground potable water reservoir, owned and operated by the City of Banning, located at 725 Sunrise Avenue, conforms with the City of Banning General Plan.

V. PUBLIC HEARINGS:

1. NOTICE OF DETERMINATION AND FILING OF AN ADDENDUM TO A PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR CONSIDERATION OF CONDITIONAL USE PERMIT 23-8005 AND DESIGN REVIEW 23-7002, A PROPOSAL TO ALLOW FOR THE RESIDENTIAL DEVELOPMENT OF 93 DUPLEX HOMES ON 98 RECORDED LOTS (TM 36939), A DENSITY BONUS, AND AN AFFORDABLE HOUSING COMPONENT ON A TOTAL OF 34.6 ACRES LOCATED WITHIN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT ON THE NORTH SIDE OF WILSON STREET, EAST OF SUNSET AVENUE, AND WEST OF SUNRISE AVENUE (APNs 535-451-001 THROUGH -007; 535-451-009 THROUGH -023; 535-442-001 THROUGH -003;

535-442-005, 535-442-006, 535-442-007, 535-442-008, 535-442-009 THROUGH -015; 535-443-001 THROUGH -021; 535-440-001 THROUGH -011; 535-441-001 THROUGH -014; 535-450-001 -015; 535-070-003, 535-070-005, 535-070-007, 535-070-009, 535-070-024, 535-070-040).

Staff Report – Emery Papp.....Page 9

Order of Procedure:
1. Staff report presentation
2. Applicant Presentation
3. Planning Commission questions for staff and applicant
4. Open public comments
5. Close public comments
6. Planning Commission discussion
7. Motion and Second
8. Planning commission discussion on motion
9. Call the question

Recommendation:

That the Planning Commission adopt Resolution 2023-14:

- I. Make a determination under CEQA Guidelines that the project is consistent with a previously adopted Mitigated Negative Declaration (MND) for the underlying TM 36939 and pursuant to the California Environmental Quality Act (CEQA) and the California CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration), an Addendum to the MND has been prepared; and
 - II. Adopt Conditional Use Permit (CUP) 23-8005 and Design Review (DR) 23-7002, A Proposal to allow for the residential development of 93 Duplex Homes on 98 previously recorded lots (TM 36939), A density bonus, and an affordable housing component on a total of 34.6 acres located within the Low-Density Residential Zoning District on the North Side of Wilson Street, East of Sunset Avenue, and West of Sunrise Avenue.
- 2. NOTICE OF EXEMPTION FOR CONSIDERATION OF A ZONING TEXT AMENDMENT (ZTA 23-97502) AMENDING THE DOWNTOWN COMMERCIAL ZONING DISTRICT CHAPTER 17.12, ARTICLE I & II BY ADDING NEW PERMITTED AND CONDITIONALLY PERMITTED USES TO TABLE 17.12.020 AND AMENDING THE COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS (TABLE 17.12.030) OF THE DISTRICT, TITLE 17 OF THE CITY OF BANNING MUNICIPAL CODE (BMC). THE ZONING TEXT AMENDMENT AFFECTS ALL PARCELS WITHIN THE DOWNTOWN ZONING DISTRICT.**

Staff Report – Adam Rush.....Page 18

Order of Procedure:

1. Staff report presentation
2. Planning Commission questions for staff
3. Open public comments
4. Close public comments
5. Planning Commission discussion
6. Motion and Second
7. Planning commission discussion on motion
8. Call the question

Recommendation:

That the Planning Commission adopt Resolution 2023-11, recommending the City Council:

- I. Make a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines applying only to projects which have the potential for causing a significant effect on the environmental; and
- II. Adopt Zone Text Amendment (ZTA 23-97502) Amending the Downtown Commercial Zoning District Chapter 17.12, Article I & II by adding new permitted and conditionally permitted uses to table 17.12.020 and amending the Commercial and Industrial development standards (Table 17.12.030) of the district, Title 17 of the City of Banning Municipal Code (BMC) affecting all parcels within the Downtown Commercial (DC) Zoning District.

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS:

1. Planning Development Project updates

VIII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of September 6, 2023, starting at 6:30 p.m. in the City Council Chambers. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125 or email the Planning Commission Recording Secretary at scalderson@banningca.gov. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting [28CFR35.102-35.104ADA Title II].



PLANNING COMMISSION SPECIAL MEETING

99 E Ramsey Street, Banning, CA

Wednesday, May 30, 2023 - 4:00 PM

ACTION MINUTES

I. **CALL TO ORDER at 4:00 p.m.**
ROLL CALL

Commissioners	Present	Absent
Kinzie Hawver Gideon	X	
Krick Richard (Chair)	X	
Lopez David (Vice-Chair)		X
Miller Leroy	X	
Wilcox Robert	X	

The agenda was rearranged to move the public comments before the workshop.

II. **PUBLIC COMMENTS:** (ITEMS NOT ON THE AGENDA)
No public comments.

III. **WORKSHOP:**
Discuss Major Provision and Requirements of the Ralph M. Brown Act.

Commissioner Lopez joined the meeting at 5:15 p.m.

IV. **ADJOURNMENT**
The meeting was adjourned at 5:42 p.m.

Minutes prepared by:

Sandra B. Calderon
Sandra B. Calderon
Planning Commission Secretary

These minutes have been prepared as Action Minutes in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
<https://banninglive.viebit.com/player.php?hash=HQFbmsbAAIzbih9F>



PLANNING COMMISSION REGULAR MEETING

99 E Ramsey Street, Banning, CA

Wednesday, June 7, 2023 - 6:30 PM

ACTION MINUTES

I. **CALL TO ORDER at 6:30 p.m.**
ROLL CALL

Commissioners	Present	Absent
Kinzie Hawver Gideon	X	
Krick Richard (Chair)	X	
Lopez David (Vice-Chair)		X
Miller Leroy	X	
Wilcox Robert	X	

II. **PUBLIC COMMENTS:** (ITEMS NOT ON THE AGENDA)
Four residents of Banning gave public comments.

III. **WORKSHOP:**
Downtown Revitalization and Complete Streets Plan

Nate Smith, Deputy Director of Public Works/City Engineer and Tim Bevins, Alta Planning + Design presented the workshop.

IV. **CONSENT CALENDAR ITEM:**

1. Motion to approve minutes of May 3, 2023, Regular Meeting.
2. Motion to approve Resolution 2023-10- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15270 (PROJECTS WHICH ARE DISAPPROVED) AND RECOMMENDING THE CITY COUNCIL DENY DESIGN REVIEW 21-7016 FOR THE DEVELOPMENT OF A 93,435 SQUARE FOOT TWO-STORY WAREHOUSE FACILITY, WITH A TOTAL FLOOR AREA OF 186,700 SQUARE FEET OF FLOOR AREA AND CONDITIONAL USE PERMIT 21-8025 FOR THE OPERATION OF A 22,000 SQUARE FOOT COMMERCIAL INDOOR CANNABIS CULTIVATION AND DISTRIBUTION FACILITY ON A 4.54-ACRE PARCEL LOCATED NORTHERLY OF CHARLES STREET, SOUTHERLY OF THE FUTURE EXTENSION OF WESTWARD AVENUE

EASTERLY OF HARGRAVE STREET AND WESTERLY OF HATHAWAY STREET
WITHIN THE INDUSTRIAL ZONING DISTRICT.

Motion by Commissioner Wilcox.
Seconded by Commissioner Miller

Motion approved by a vote of (4-0-1) lopez absent.

A Motion was made to reconsider the first vote by Commissioner Kinzie Hawver.
Seconded by Commissioner Wilcox.

Motion approved by a vote of (4-0-1) lopez absent.

Commissioner Kinzie Hawver recused himself from Item No. 2 - Motion to approve
Resolution 202-10.

Motion approved by a vote of (3-1-1) Kinzie Hawver, recuse. Lopez, absent.

V. PUBLIC HEARING:

1. NOTICE OF EXEMPTION FOR CONSIDERATION OF CONDITIONAL USE PERMIT (CUP) 23-8001 AND DESIGN REVIEW (DR) 23-7003, A PROPOSAL TO ALLOW FOR THE EXPANSION OF AN EXISTING DIALYSIS FACILITY ONTO AN ADJACENT, VACANT PARCEL WITH FULL IMPROVEMENTS ON 1,469 ACRES LOCATED AT 6050 AND 6090 WEST RAMSEY STREET, WITHIN THE GENERAL COMMERCIAL DISTRICT (APNs 419-112-002 & 419-112-003).

Emery Papp, Senior Planner, presented the staff report.

Public Comment
No public comments.

Motion by Commissioner Wilcox to adopt Resolution 2023-13.
Seconded by Commissioner Kinzie Hawver.

Motion approved by a vote of (4-0-1) Lopez absent.

2. NOTICE OF EXEMPTION FOR CONSIDERATION OF CONDITIONAL USE PERMIT 23-8005 AND DESIGN REVIEW 23-7002, A PROPOSAL TO ALLOW FOR THE RESIDENTIAL DEVELOPMENT OF 93 DUPLEX HOMES ON 98 RECORDED LOTS (TM 36939), A DENSITY BONUS, AND AN AFFORDABLE HOUSING COMPONENT ON A TOTAL OF 34.6 ACRES LOCATED WITHIN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT ON THE NORTH SIDE OF WILSON STREET, EAST OF SUNSET AVENUE, AND WEST OF SUNRISE AVENUE (APNs 535-451-001 THROUGH -007; 535-451-009 THROUGH -023; 535-442-001 THROUGH -003; 535-442-005, 535-442-006, 535-442-007, 535-442-008, 535-442-009 THROUGH -015; 535-443-001 THROUGH -021; 535-440-001 THROUGH -011; 535-441-001 THROUGH -014; 535-450-001 -015; 535-070-003, 535-070-005, 535-070-007, 535-070-009, 535-070-024, 535-070-040).

Recommendation by staff to continue the item without discussion to the July 12, 2023, Planning Commission Meeting.

Public Comment

Two residents spoke against the project during the public comment period.

Motion by Commissioner Wilcox to continue the item to the July 12, 2023, Planning Commission Meeting.

Seconded by Commissioner Miller.

Motion approved by a vote of (4-0-1) Lopez absent.

3. NOTICE OF EXEMPTION, TO CONSIDERATION OF: A GENERAL PLAN AMENDMENT (GPA 23-2501) AND AN AMENDMENT TO THE OFFICIAL ZONING MAP (ZC 23-3501) PROPOSING A CHANGE TO THE LAND USE AND ZONING FOR A 1.74-ACRE PROPERTY, LOCATED AT 725 SUNRISE AVENUE, FROM LOW DENSITY RESIDENTIAL (0-5 DU/AC) TO PUBLIC FACILITIES-GOVERNMENT (PF-G) TO ACCOMMODATE A FUTURE ABOVE-GROUND POTABLE WATER RESERVOIR, OWNED AND OPERATED BY THE CITY OF BANNING.

Adam Rush, Community Development Director presented the staff report.

Public Comment

No public comments.

Motion by Commissioner Wilcox to adopt Resolution 2023-07 recommending to the City Council.

Seconded by Commissioner Kinzie Hawver.

Motion approved by a vote of (3-1-1) Miller voted against. Lopez, absent.

4. NOTICE OF EXEMPTION, OF EXEMPTION FOR CONSIDERATION OF A ZONING TEXT AMENDMENT (ZTA 23-97501) ADDING A HISTORIC PRESERVATION ORDINANCE AND AMENDING THE CITY'S DEVELOPMENT CODE, ARTICLE 17 OF THE CITY OF BANNING MUNICIPAL CODE (BMC), AFFECTING ALL PARCELS, ALL APNS IN THE CITY. THE DRAFT ORDINANCE PROVIDES FRAMEWORK TO PROTECT CERTAIN STRUCTURES, BUILDINGS, AND RESOURCES IMPORTANT TO THE HISTORY OF THE CITY.

Adam Rush, Community Development Director presented the staff report.

Public Comment

Pat Murkland, San Geronio Pass Historical Society.

Motion by Commissioner Wilcox to adopt Resolution 2023-12 recommending to the City Council.

Seconded by Commissioner Kinzie Hawver.

Motion approved by a vote of (4-0-1) Lopez absent.

5. NOTICE OF EXEMPTION FOR CONSIDERATION OF A ZONING TEXT AMENDMENT (ZTA 23-97502) AMENDING THE DOWNTOWN COMMERCIAL ZONING DISTRICT CHAPTER 17.12, ARTICLE I & II BY ADDING NEW PERMITTED AND CONDITIONALLY PERMITTED USES TO TABLE 17.12.020 AND AMENDING THE COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS (TABLE 17.12.030) OF THE DISTRICT, TITLE 17 OF THE CITY OF BANNING MUNICIPAL CODE (BMC). THE ZONING TEXT AMENDMENT AFFECTS ALL PARCELS WITHIN THE DOWNTOWN ZONING DISTRICT.

Public Comment

No public comments.

Motion by Commissioner Wilcox, recommending continuing the item to the July 12, 2023, Planning Commission Meeting.
Seconded by Commissioner Kinzie Hawver.

Motion approved by a vote of (4-0-1) Lopez absent

VI. PLANNING COMMISSIONER COMMENTS

The Commission agreed to move the regular planning commission meetings to 5:30 p.m.

VII. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Director gave project updates.

VIII. ADJOURNMENT

The meeting was adjourned at 10:58 p.m.

Minutes prepared by:

Sandra B. Calderon

Sandra B. Calderon

Planning Commission Secretary

These minutes have been prepared as Action Minutes in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:

Part 1

<https://banninglive.viebit.com/player.php?hash=qBWslI087IbryNX8>

Part 2

<https://banninglive.viebit.com/player.php?hash=Y5NH9so1cbaW4Vmf>

All documents related to this meeting are available here:

<https://www.banningca.gov/Archive.aspx?ADID=2854>



CITY OF BANNING STAFF REPORT

TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

MEETING DATE: July 12, 2023

SUBJECT: Consideration of Resolution 2023-15, Making a Determination, for 1.74-acres of Real Property Sale located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir/Tank.

RECOMMENDED ACTION:

Staff recommends the Planning Commission adopt Resolution 2023-15, making a determination that the City's purchase of property located at 725 Sunrise Avenue (APN: 538-040-006) conforms to the City of Banning General Plan.

PROJECT / APPLICANT INFORMATION:

Project Location: 725 Sunrise Avenue

APN Information: APN: 538-040-006

Project Applicant/
Owner: City of Banning
99 E. Ramsey Street
Banning, CA 92220

REQUEST:

Pursuant to California Government Code Section 65402 requires that a City's Planning Agency (i.e. Planning Commission) review and report upon whether the location, purpose, and extent of a proposed real property acquisition by the city for public purposes, conforms with the adopted General Plan or parts thereof.

BACKGROUND:

The Planning Commission adopted Resolution 2023-07 at the June 7, 2023 Planning Commission Public Hearing, which recommended adoption of a General Plan Amendment and Zoning Map Change, from Low Density Residential (LDR) to Public Facilities – Government (PF-G) to the City Council.

DESCRIPTION:

The Planning Commission is required to report on the conformity of the proposed real property acquisition with the Banning General Plan to the City Council within 40 days after the matter has been submitted to the Planning Commission. Staff has reviewed the proposed real property sale and has determined that the location, purpose, and extent of the acquisition conforms with the following applicable policies set forth in the Banning General Plan:

Land Use Element:

The General Plan Land Use Element designates the site as Public Facilities – Government (PF-G) and the surrounding properties as Low Density Residential (LDR) (0-5 DU/AC) to the north, south, and west, and Mobile Home Parks (MHP) to the east. In general, the Project site is located within a residential area of medium to high residential densities. The construction of water storage tanks are typically found within residential zones in order to provide adequate potable water pressures and supply to customers.

Circulation Element:

The Circulation Element identifies Sunrise Avenue as Collector (2-Lanes, Undivided) that runs north-to-south and Wilson Street (traversing east-to-west) as an Arterial Highway (4-Lanes, Raised Median). The proposed use will contribute to the redundancy of infrastructure and enhance the City's commitment to provide safe, clean, and available drinking water.

Natural Resources Element:

The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. The property is current vacant, but surrounded in all directions by residential and suburban uses. The Project is not located within an MSCHP Criteria Cell but will be subject to MSHCP Impact Fees.

Cultural Resources Element:

The Project site is vacant and does have the potential to yield historic and pre-historic and/or Tribal Resources. Prior to completion of final construction design the Project will complete an Initial Study that will evaluate all required aspects of Cultural Resources.

FINDINGS:

Staff has determined that above-referenced findings can be made. Support for the findings can be found in Planning Commission Resolution 2023-15.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA): Planning Division staff has determined that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15332 (Infill Development - Class 32 Categorical Exemption) because:

- The Project site is located within the jurisdictional boundaries of the City of Banning, surrounded by urban uses, and less than five (5) acres in size (1.74-acres).
- The Project is consistent with the Public Facilities – Government land use designation and all applicable General Plan policies, and the Public Facilities – Government (PF-G) and the associated regulations.
- The Project site has no value as habitat for endangered, rare, or threatened species.
- Development of the property will not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can adequately be served by all required utilities and public services.

PUBLIC COMMUNICATION:

This item is not a public hearing, thus public notification is not required.

Reviewed by:

Adam Rush

Adam B. Rush, AICP
Community Development Director

ATTACHMENTS:

1. PC Resolution 2023-15
<https://www.banningca.gov/DocumentCenter/View/13144/PC-Resolution-No-2023-15>
2. City Council Resolution 2023-118
<https://www.banningca.gov/DocumentCenter/View/13145/CC-Resolution-No-2023-118>
3. Project Exhibits
<https://www.banningca.gov/DocumentCenter/View/13146/Project-Exhibits>
4. Notice of Exemption (NOE)
<https://www.banningca.gov/DocumentCenter/View/13147/Notice-of-Exemption-NOE>



**CITY OF BANNING
PLANNING COMMISSION REPORT**

TO: PLANNING COMMISSION

FROM: Emery J. Papp, Senior Planner

MEETING DATE: July 12, 2023

SUBJECT: Consideration of Resolution 2023-14, an Addendum to a Previously Adopted Negative Declaration, Conditional Use Permit 23-8005 and Design Review 23-7002, a Proposal to Allow for the Residential Development of 93 Duplex Homes on 98 Previously Recorded Lots (TM 36939), a Density Bonus, and an Affordable Housing Component on a Total of 34.6-acres Located within the Low Density Residential Zoning District on the North Side of Wilson Street, East of Sunset Avenue, and West of Sunrise Avenue (APNs: See Attached)

RECOMMENDED ACTION:

Adopt Planning Commission Resolution 2023-14, A Resolution of the Planning Commission of the City of Banning, California, Approving Conditional Use Permit (CUP) 23-8005 to allow for multi-family development in the Low Density Residential (LDR) (0-5 DU/AC) Zoning District and Approval of Design Review (DR) 23-7002 authorizing the development of 93 two-story, multi-family (duplex), homes on 34.6-acres, and Making a Determination of an Addendum to the Previously Prepared Negative Declaration adopted for TM 36939, on property located east of Sunset Avenue, north of Wilson Street, and west of Sunrise Avenue, subject to the recommended Conditions of Approval.

PROJECT / APPLICANT INFORMATION:

Project Owner: WJK Commercial Co.
28392 Alroso Street
Rancho Mission Viejo, CA 92694

Project Applicant: WJK Commercial Co.
28392 Alroso Street
Rancho Mission Viejo, CA 92694

Project Location: East of Sunset Avenue, north of Wilson Street, and west of Sunrise Avenue

APN Information: See Attached

BACKGROUND:

The City Council approved Tract Map (TM) No. 36939 on October 22, 2019, and the map recorded on December 24, 2019. Title 17 of the Banning Municipal Code (BMC), requires Planning Commission approval of a Conditional Use Permit to allow multi-family development in the Low Density Residential (LDR) Zoning District and approval of a Design Review for architecture siting, elevations, colors, and materials. Tract Map 36939 contains 98 lots, of which 93 are proposed for residential development. This project is the first Design Review to be submitted since the TM recorded.

PROJECT DESCRIPTION:

The Project proponent is requesting approval of a Conditional Use Permit to allow multi-family (duplex) housing in the Low Density Residential (LDR) Zoning District; a density bonus to authorize the development of affordable housing for Very Low-Income Household families; and a Design Review for the architectural and landscaping elements of the 186-unit development. The affordable units are designed consistent with the underlying residential product.

PROJECT ANALYSIS:

The Project is zoned Low Density Residential (LDR) (0-5 DU/AC) which authorizes residential development with a minimum lot size of 7,000 square feet and allowable density of up to 5 dwelling units per gross acre (du/ac), which yields 173 residential dwelling units. The total number of units proposed is 186, which is an increase of 13-units (7%) above the allowable density of the LDR land use designation. Table 17.08.020 of the Banning Municipal Code (BMC) also allows Multi-Family Dwellings in the LDR zone subject to approval of a CUP.

A Multi-Family Dwelling is defined in Section 17.04.070 of the BMC as “a building containing two or more dwelling units,” which includes the construction of 93 attached duplexes and 5 common open space lots within the existing 98 lots, resulting in a new rental community of 186 households. The proposed development is conditionally consistent with the General Plan Land Use Designation, and the underlying Zoning District, subject to the approval of a Conditional Use Permit, a Design Review, CEQA Analysis, and Density Bonus pursuant to state housing law (Government Code 65915 – 65918, explained in more detail below) codified in Chapter 15.60 of the BMC.

Density Bonus Calculation:

The Project site consists of 34.6 gross acres. The maximum density allowed for market-rate residential development, located within the LDR land use designation, is five (5) dwelling units per acre (5 du/acre). The Project site yields a maximum 173 units under the existing land use and zoning. The Project does not propose to change or amend the existing land use or zoning and no change or amendment is required to facilitate the proposed Project. In addition to the development of 173 market-rate residential units, the Project proposes to utilize a density bonus for the project, wherein a minimum of 5% of the “base” 173 units, a total of 9 units, will be placed under a 55-year covenant to remain affordable to Very Low-Income Households¹. In doing so, California Government Code Section 65915, and BMC Chapter 15.60, entitles the Applicant to a maximum 20% density bonus for the project. A full 20% density bonus would equate to unit bonus of 35 units. The Applicant is not required to utilize the entire bonus, and is requesting a density bonus of 13 units, or a 7.5% bonus above the base 173 units for the project. This results in the request for 186 units for the project, a duplex on 93 of the 98 recorded lots. These figures are summarized in Table 1 below:

Table 1, Density Bonus Calculation:

Net Acres	34.6
Allowable Density	5.0
Allowable Units Utilized Before Density Bonus	173
Maximum Density Bonus (20%)	35
Density Bonus Utilized (7.5%)	13
Total Units	186

Very Low-Income Household rent is calculated in accordance with the provisions of Section 50053 of the California Health and Safety Code based on a formula where the rent is not to exceed 30% of 50% of the Area Median Income, less an allowance for utilities published by the Riverside County Housing Authority (RCHA). The following Table 2 indicates what the maximum proposed rents will be for the 9 affordable units based on unit size:

Table 2, Very Low-Income Household Maximum Rent

Bedrooms	Maximum Annual Rent	Maximum Monthly Rent	Utility Allowance	Affordable Rent
<i>Very Low</i>				
3 Bedroom	\$13,110	\$1,093	\$258	\$835
4 Bedroom	14,160	1,180	303	877

¹Government Code 65915(b)(1)(A).

(https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=4.3.&article=7), Accessed July 6, 2023.

The development incorporates six (6) two-story residential floor plans, with a mix of Spanish and Cottage architectural styles. The Plan 1A, 1B, and 1C all propose two-story floor plans having a total of 1,400 square-feet, with 3 bedrooms and two-car attached garages. The Plan 2A, 2B, and 2C homes all propose two-story floor plans having a total of 1,711 square-feet, with 4 bedrooms and two-car attached garages. The architectural elevations proposed are a contemporary mix of Spanish and Cottage styles with covered entryways, flat and low-profile “S” concrete roof tiles, shaped foam inserts surrounding door and window openings, plaster stucco finishes, wood fascia, stone veneers, wood shutters, and decorative exterior lighting. Each architectural style will incorporate three color schemes, examples of which are found in the colored elevations attached to the project plans. Roofs pitches will be 4:12 and roofing material will consist of concrete “S” tile for the Spanish Elevations and flat concrete tile for the Cottage Elevations which is compatible with the existing surrounding built environment. Each of the duplex buildings will adhere to the development standards for the zone which includes a minimum of 20-foot front setbacks, 10-foot side yard setbacks (except street-side yards which require a minimum of a 15-foot setback), 15-foot rear yard setbacks, and a maximum building height of 35 feet. Off-street parking is achieved via two covered spaces per unit, and two uncovered spaces per unit in each driveway. The Applicant has not requested any variances for the project, any concessions pursuant to density bonus provisions, nor any financial assistance from the City of Banning for the project.

Table 3, Land Use Summary Table:

	Existing Land Use	Zoning Classification	General Plan Designation
Site	Vacant	LDR	LDR
North	Vacant	Open Space/Parks	OS-P
South	Single-Family/Multi-Family	LDR/MDR	LDR/MDR
East	Single-Family	LDR	LDR
West	Vacant SFR	LDR	LDR

Figure 1, Vicinity Map.

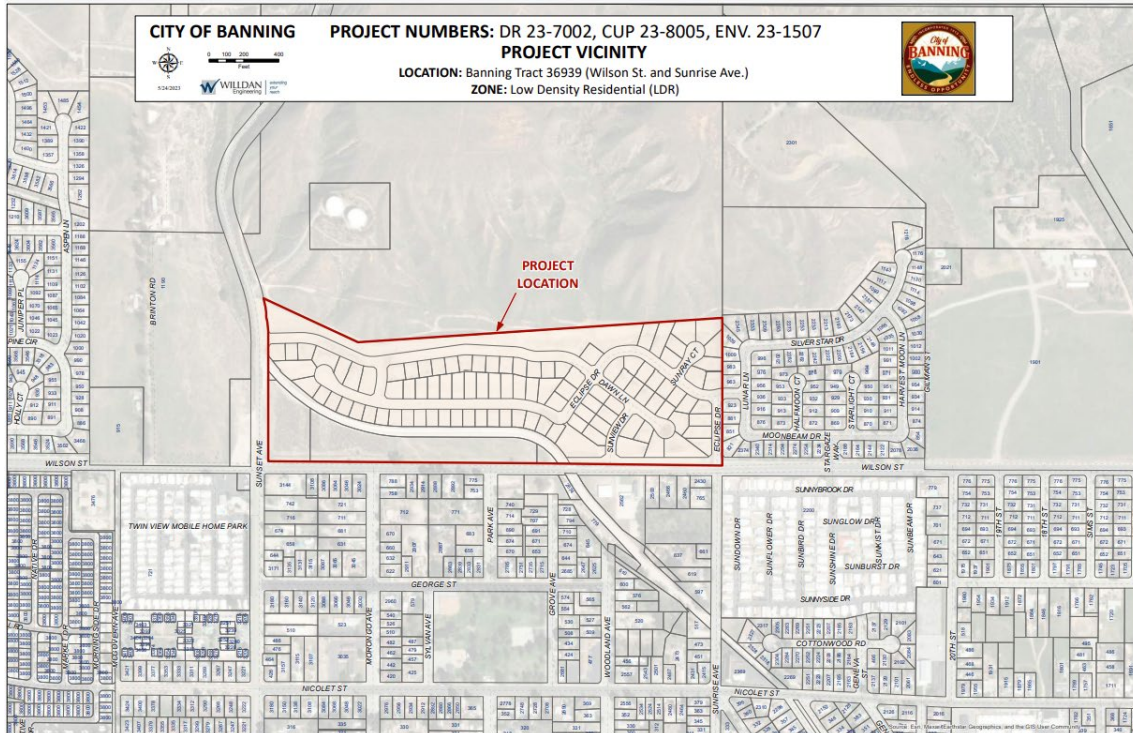


Figure 2, Aerial Map.



Figure 3, Zoning Map.

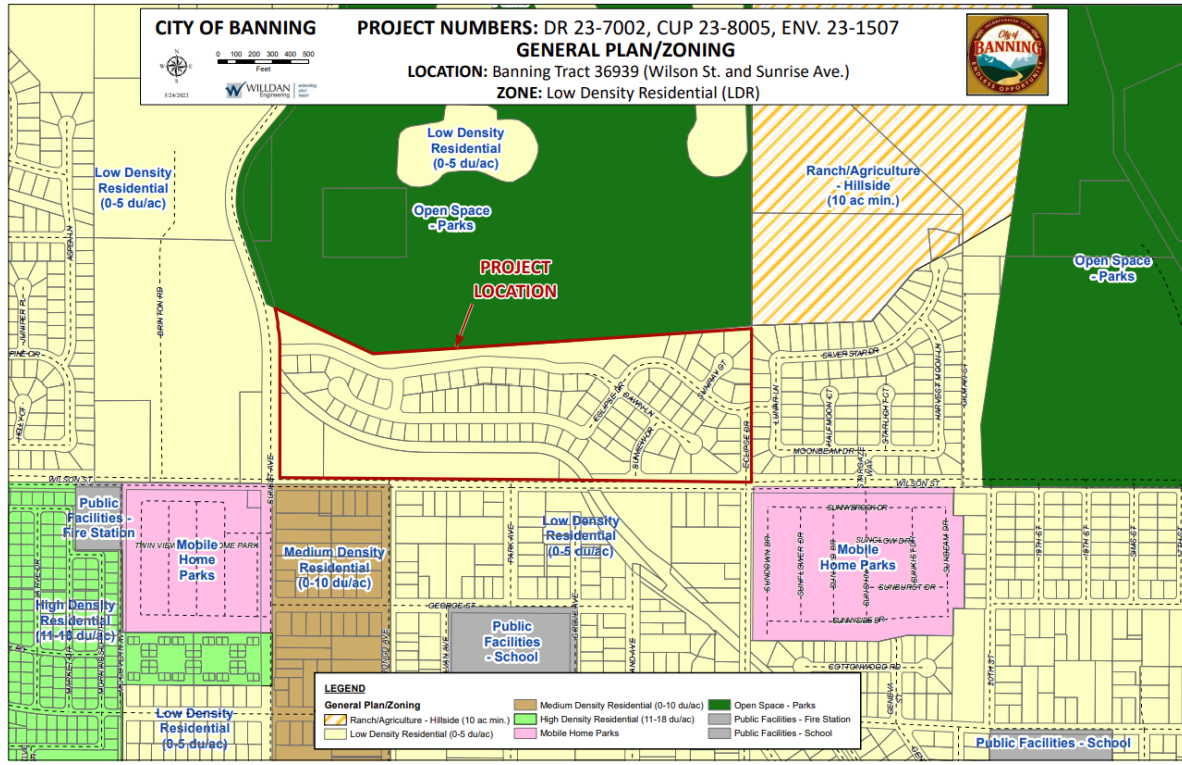
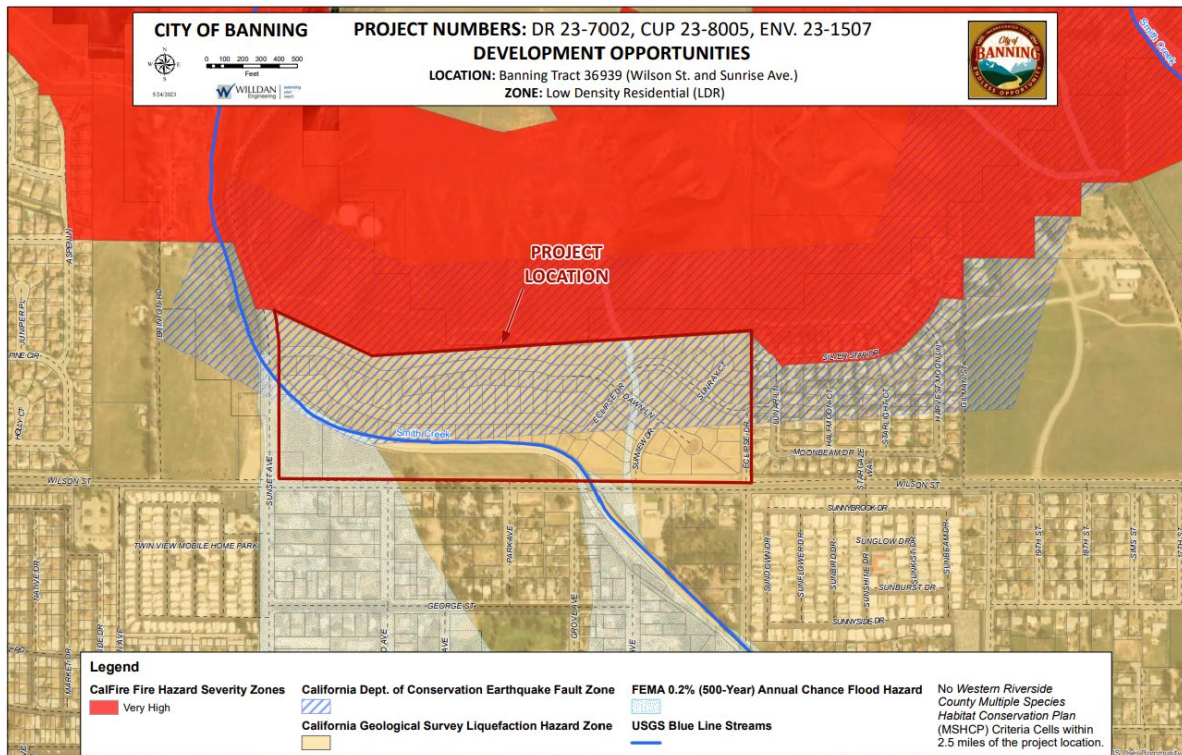


Figure 4, Development Opportunities.



[illegible]

Primary vehicular access will be from Wilson Avenue to Sunrise Avenue to a new road labeled Sunview Drive. Secondary access will be from Sunset Avenue to Dawn Lane, which separates the Project from the city-owned park site. Wilson Street is an Arterial Highway (4-Lanes, Raised Median) which has a 110-foot-wide total Right-of-Way (R/W).

In accordance with the California Environmental Quality Act (CEQA), the original Project's Initial Study was prepared and circulated that demonstrated environmental effects would be reduced to less than significant levels with mitigation measures. Therefore, a Mitigated Negative Declaration and Mitigation Monitoring Program was adopted for the project. Planning Division staff has determined that this Project does not require additional or subsequent environmental review, pursuant to the requirements of the California Environmental Quality Act ("CEQA") and State CEQA Guidelines Section 15162 (Subsequent EIRS and Negative Declaration) and Section 15164 Addendum to an EIR or Negative Declaration because:

- 15

Declaration.

2. There are no substantial changes to the project with respect to the circumstances under which the project is undertaken.
3. There is no new information of substantial importance, which was not known and could not have been known at the time the previous negative declaration was adopted.

Multiple Species Habitat Conservation Plan (MSHCP).

The project is consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is satisfied by payment of the required MSHCP Mitigation Fee.

PUBLIC COMMUNICATION:

A Notice of Public Hearing for the proposed Conditional Use Permit 23-8005 and Design Review 23-7002 was published in the Record Gazette newspaper on May 26, 2023, and mailed to property owners within 300 feet of the project boundary on May 23, 2023. At the Planning Commission meeting held on June 7, 2023, the item was opened for public where two members of the public spoke in opposition to the project. The public hearing for the project was then continued to the next regularly scheduled meeting of the Planning Commission to be held on July 12, 2023. As of the date of this report, staff has not received any additional written comments in favor of or opposed to the project.

Prepared by:

Emery J. Papp

Emery J. Papp
Senior Planner

Reviewed by:

Adam Rush, AICP

Adam B. Rush, M.A., AICP
Community Development Director

Attachments:

1. PC Resolution 2023-14 with COAs
<https://www.banningca.gov/DocumentCenter/View/13154/PC-Resolution-No-2023-14-with-COAs>
2. Project Plans
<https://www.banningca.gov/DocumentCenter/View/13149/CUP-23-8005-DR-23-7002-Project-Plans>
3. Affordability Analysis
<https://www.banningca.gov/DocumentCenter/View/13151/Affordability-Analysis>

4. Addendum For IS/MND TM 36939
<https://www.banningca.gov/DocumentCenter/View/13152/Addendum-to-ISMND-Banning-Tract-36939->
5. NOD
<https://www.banningca.gov/DocumentCenter/View/13153/Notice-of-Determination-NOD>
6. Public Hearing Notice
<https://banningca.gov/Archive.aspx?ADID=2843>



CITY OF BANNING STAFF REPORT

TO: PLANNING COMMISSION

FROM: Adam Rush, Community Development Director

MEETING DATE: July 12, 2023

SUBJECT: A Zoning Text Amendment (ZTA 23-97502) Establishing Amended Uses and Adding Development Standards for Multi-family and High Density Residential Uses in the Downtown Commercial Zoning District.

RECOMMENDATION:

Adopt Planning Commission Resolution 2023-11, A Resolution of the Planning Commission of the City of Banning, California, Recommending that the City Council Adopt an Ordinance Amending Chapter 17.12 (Commercial and Industrial Districts) to Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code Adopting Amendments to the Permitted, Conditional, and Prohibited Uses and Development Standards, and Making a Determination of Exemption from the California Environmental Quality Act (CEQA).

BACKGROUND:

Downtown Banning has limited multifamily housing options. The City has not developed new multifamily rental properties in over twenty years, and currently only has 471 market-rate multifamily rental units. Since 2020 there has been a surge of development permits issued in the city, but all of these permits were issued for single family homes.

Creating and Preserving Destinations:

Existing destinations are those uses which currently attract a significant number of people, such as City Hall, Central Elementary School, and Banning Village Market are examples of destinations of necessity, while the Fox Theater and Station Tap House Bar and Grill are examples of leisure destinations where people come for a particular experience. Several of the uses which attract the largest number of people are destinations which contain uses or structures not compatible with a downtown urban design setting. These “pass-through assets” are more likely to be visited for a short period of time, with on-site parking leading to a “grab and go” type of experience which provides less opportunities to capture greater amounts of visitor time and expenditure. Examples

are Jack in the Box and Parts Authority, an auto parts store which is one of the highest sales tax generator in the Downtown District.



① Fox Cineplex is D'Place



② The Station Taphouse Bar and Grill



③ Jitterz Coffee at The Haven

Good Quality Buildings:

The City of Banning was incorporated in 1913, and much of the building fabric of Downtown dates from the years prior to World War II, when development in the American Main Street tradition was at its peak. This town-building tradition, which incorporated various architectural styles, prioritized one and two-story storefront buildings which open onto sidewalks and engage the street with transparent windows, creating a human scale and pedestrian orientation which enriched their downtowns as districts. The Jitters® building, is a large two-story brick building with a clock tower at the corner of Ramsey Street and San Gorgonio Avenue. This building is the most prominent example of this town-building tradition; however, other structures throughout the District are visible. Example of this include, the block of San Gorgonio Avenue between Hays and Williams Streets, which also includes newer structures built in the main street tradition.

Commuting Statistics:

The majority of Banning residents work outside of the City, many commuting greater than 25 miles to get to work. Employment centers for Banning residents are mainly in San Bernardino, Riverside, and Palm Springs. Only 1,440 people both live and work in Banning. Nearly 75% of employees in the city commute into Banning. The largest employers in Banning are the Banning Unified School District, the San Gorgonio Memorial Hospital, the Smith Correctional Facility and the Banning Justice Center.¹

Transit:

The City of Banning's Short Range Transit Plan (2021) outlines Banning's Transit service including Banning Connect services. Transit routes 1, 5, and 6 travel through Downtown Banning connecting to services and retail. The plan mentions there are nine bus shelters with intent to add shelters to the bus locations that do not have one. There are 10 stops

¹ City of Banning; Riverside County; Census on the Map; ESRI; RCLCO

within the study area, four of which have shelters and benches, while the remaining six stops only have benches, leaving transit riders to be exposed to the sun.

JUSTIFICATION:

The Downtown Districts provides multiple opportunities by offering parcels of land, outside the public right-of-way, which have the opportunity to be developed into something which can benefit the district – new ground-up development, open space, or parking/transportation facilities. Opportunity sites also include existing structures which have the potential to be reused in a different way which garner additional benefit to the district.

Vacant Lots:

A significant number of vacant lots are located throughout the Downtown on almost every block, contributing to the sense of economic stagnation and reducing walkability in the area.

City-Owned Opportunity Sites:

The City controls many sites whose development it can incentivize through land write downs or other means, for catalytic development with potential public benefit elements (e.g. open space, affordable housing, public parking).

Repurpose Potential (Good Quality Buildings):

Some good-quality structures are partially or fully unoccupied and present opportunities to be leased for uses that bring economic activity to the Downtown. Examples include the commercial space in the historic 199 W Ramsey St mixed-use building, which fronts on an entry plaza and could be used for a restaurant or other public-facing use, and the vacant, recently renovated office building at 66 N 1st St.



① Repurpose Potential (Banning Hotel today and historically, when it advertised a cafe)

② Vacant lot next to Boys and Girls Club

③ Redeveloped but unoccupied

ENVIRONMENTAL DETERMINATION:

Planning Division staff find and determine that the proposed amendments to Title 17 (Zoning), as set forth in Exhibit B to this Resolution, is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment. Further projects subject to proposed amendments to Title 17 (Zoning) will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

FISCAL IMPACT:

The costs associated with preparing the Ordinance Amendment is minimal. Future residential or mixed-use development will be paid for through the submittal of developer fees.

ALTERNATIVES:

1. Direct staff to proceed with Draft Ordinance as recommended.
2. Direct staff to proceed with Draft Ordinance with modifications.
3. Provide alternative direction to staff.

ATTACHMENTS:

1. Resolution Recommending Adoption of the Downtown District Ordinance Amendment to the City Council.
Exhibit "A" - Notice of Exemption (NOE)
Exhibit "B" – ZTA 23-97502
Exhibit "C" – District Boundary
<https://www.banningca.gov/DocumentCenter/View/13148/PC-Resolution-No-2023-11-Recommending-Adoption-of-the-Downtown-District-Ordinance-Amendment-to-the-CC>
2. Draft Ordinance Establishing a Downtown District Ordinance Amendment
<https://www.banningca.gov/DocumentCenter/View/12879/Downtown-Commercial-Zoning-District-Ordinance-PC-Draft>
3. Draft Complete Streets – Existing Conditions Report (dated November 9, 2022)
<https://www.banningca.gov/DocumentCenter/View/12880/Draft-Complete-Streets---Ex-Conditions-Report-11-9-22>
4. Public Hearing Notice
<https://banningca.gov/Archive.aspx?ADID=2845>

Prepared by:

Adam B. Rush

Adam B. Rush, M.A., AICP
Community Development Director